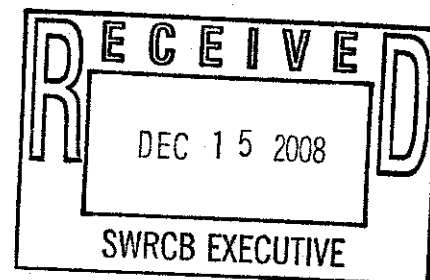


2063 Last Chance Court  
Gold River, CA 95670

13 December 2008

Jeanine Townsend, Acting Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



**COMMENTS LETTER – PROPOSED RECYCLED WATER POLICY**

Thank you for the opportunity to comment on the subject revised draft Recycled Water Policy (Policy). The revised draft is significantly improved over the previous versions that I reviewed and provided comments on. There are still a few sections of the draft Policy that I believe need to be improved that would allow the policy to achieve its lofty goals of reusing a greater amount of recycled water while maintaining water quality. With that, I present the following comments for your consideration:

Section 6.b(4). The last sentence states “No Regional Board, however, shall seek to modify Basin Plan objectives without full compliance with the process for such modification as established by law.” This sentence is not necessary as all it says to the Boards is not to do something they are not allowed to do anyway. It is a slap at the Regional Boards that is not called for, nor needed in this policy.

Section 7.a(4). This section states that there shall be no discharge from any ponds unless the discharge is a result of a 25-year, 24-hour storm event or greater, and there is prior approval for the discharge by the appropriate Executive Officer. It is not clear what ponds are covered under this section. Are they wastewater storage ponds? Are they ponds receiving runoff from irrigation areas? Under waste discharge requirements, wastewater ponds are generally required to have a capacity to hold a 100-year, 24-hour storm event. A discharge from a wastewater pond to surface water without an NPDES permit would be a violation of the Clean Water Act and Porter-Cologne.

Section 8, General Comment. It is good to see that you provided some discretion on the part of the Regional Board to establish limitations to protect beneficial uses. Previous wording in the policy would have led to significant inconsistencies between various permitting and cleanup programs with the recycled water projects. Wastewater discharged from wastewater treatment plants, leakage from wastewater ponds and cleanup at many groundwater contaminations sites would have stricter requirements than the recharge projects.

Now processes used to determine cleanup, considering cumulative risks of pollutants, can be considered for use in determining effluent and receiving water limitations for groundwater recharge projects using recycled wastewater. In addition, consultation not only with the CDPH, as required in Section 8.c, but with the Office of Health Hazard Assessment should be required of the Regional Board when limitations for the protection of human health are to be imposed on the recycle water project.

Section 8.e. The requirement of permitting of recharge projects that utilize reverse osmosis within one year of receiving recommendations from the CDPH may not provide sufficient time for the completion of CEQA. Adoption of waste discharge requirements requires CEQA compliance and public comment may cause completion of the CEQA document to be delayed. It would be best to make the issuing of the waste discharge requirements a specified period after the CEQA comment period is completed. This makes sense, as the determination of what the project is for developing the CEQA documents would not be known until after CDPH provides its recommendations. In addition, this section requires the CDPH to prioritize its review of such projects. How can the State Board commit the CDPH to such a prioritization?

Section 9.c(1). The Regional Boards will not know what the assimilative capacities of their basins and sub-basins are until after completing development of the salt/nutrient -management plans. According to this section, until the salt/nutrient-management plans are developed, the project proponent must determine the assimilative capacity for Regional Board approval. This section only requires the proponent to use the most recent five years of data that is available for the average mineral content of the water in the basin/sub-basin, and compare that to the mineral water quality objective. In many instances there will likely not be sufficient data to make the comparison for all constituents of concern, including minerals. The project proponent would then be required to obtain the needed information. In order to do so, the monitoring plan required under Item 6.b(3) would need to be developed and implemented.

Furthermore, dilution of the pollutants throughout the entire basin/sub-basin (what is allowed when the comparison of the average concentration within the basin/sub-basin is compared to the water quality objective to get the assimilative capacity for the basin/sub-basin) is not something that should be desired. This process could allow for the water quality objectives to be exceeded in portions of the basin/sub-basin. This would be an unacceptable outcome.

Section 10, General Comment. The consultation for, and development of, the research program should also include the California Office of Health Hazard Assessment (OEHHA). That office includes the lead risk assessors for the State of California and they develop the health risk values that the CDPH uses to develop their drinking water standards. All reports generated for submittal to the State Board and CDPH should also go to OEHHA.

Once again, I commend the authors for a significant improvement over the original drafts of the policy. This version provides a greater protection of water quality. Thank you for considering the above comments in developing the final version(s) of the draft Recycled Water Policy.

If you have any questions, please call me at (916) 858-1030 or e-mail me at [sansuey@sbcglobal.net](mailto:sansuey@sbcglobal.net).

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